

Application No.: 09/671,567

Docket No.: JCLA5635

Remarks

This is a full and timely response to the outstanding non-final Office Action mailed on April 8, 2004. The specification and claim 10 have been objected to because of informalities. In addition, the Office Action has rejected claims 1-9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,642,961. The Office Action has also rejected claims 10 and 12 under 35 USC 102 (b) as being anticipated by Younse et al. (U. S. Patent 4,805,023), and claims 13 under 35 USC 103(a) as being unpatentable over Younse et al. (U. S. Patent 4,805,023) and claim 11 as being unpatentable over Younse et al. (U. S. Patent 4,805,023) in view of Heller et al. (U.S. Patent 6,396,539).

The Applicants have most respectfully considered the remarks set forth in this Office Action. Regarding the anticipation and obviousness rejections, it is however strongly believed that the cited references are deficient to adequately teach the claimed features as recited in the pending claims. The reasons that motivate the above position of the Applicants are discussed in detail hereafter.

Discussion on Objections

The disclosure and claim 10 have been objected to because of informalities.

In response thereto, Applicants have amended the specification and claim 10 according to the Examiner's suggestions. Withdrawal and reconsideration of the objections are courteously requested.

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Discussion for Double Patenting Rejection

Claims 1-9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of US Patent No. 6,642,961.

In response thereto, Applicants submit herewith a terminal disclaimer pursuant to 37 C.F.R. §1.321(c). Applicants have submitted the terminal disclaimer solely to advance the prosecution of the application, without conceding that the double patenting rejection is properly based.

In light of the foregoing amendments/accommodation, Applicant respectfully submits that the double patenting rejection has been traversed and/or rendered moot and that the now pending claims 1-12 are in condition for allowance. Favorable consideration and allowance of the present application and all pending claims are hereby courteously requested.

Discussion of 35 U.S.C §102 & §103 rejections

Claims 10 and 12 are rejected under 35 U.S.C 102(b) as being anticipated by Younse et al. (U. S. Patent 4,805,023, Younse hereinafter).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yonse et al.

As described in detail hereinafter, Applicants respectfully submit that Younse is legally deficient for the purpose of anticipating claim 10 or rendering claim 13 unpatentable because Younse fails to disclose each element of the claim under consideration and not every element of the claims was taught or suggested by cited reference such that the invention as a whole would

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have been obvious to one of ordinary skill in the art. In particular, the present invention teaches "a memory element for storing a plurality of defective pixel addresses, wherein the defective pixel addresses are arranged in an ascending order in the memory element". Having the defective pixel addresses arranged in an ascending order, the index can be simply increased by one unit for commencing another address comparison cycle when there is a hit. Absent such an order arrangement for the defective pixel addresses, the comparison cycle time will increase because each defective pixel address may have to be compared again. There is no explicit teaching or implicit suggestion in Younse that the defective pixel addresses are arranged in an ascending order. Applicants respectfully remind the Office that it is inappropriate hindsight to look back through the Applicants' disclosure and declare claim limitations obvious where such declaration can only be guided by Applicants' disclosure.

In view of the foregoing, Applicants contend that prior art cited by the Office fails to teach or suggest every element of claim 10. Applicants therefore respectfully request the withdrawal of the rejection under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) of claims 10 & 12.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Younse et al. in view of Heller et al. (U.S. Patent 6,396,539).

For at least the reasons that Heller also fails to disclose the defective pixel addresses are arranged in an ascending order in the memory element. Even Heller teaches the memory element is a fuse array, the combination of Heller with Younse still fails to remedy the deficiency in Younse. Accordingly, Applicants respectfully assert that Younse in view of Heller fails to

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render claims 11 obvious. Thus, reconsideration and withdrawal of this rejection are respectively requested.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth hereinbefore, Applicants respectfully submit that all objections and/or rejections have been rendered moot, and that the now pending claims 1-12 are in conditions for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,
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